

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, March 05, 2024, at 6:00 PM

The Lodge at Westlake Adventure Park
5490 Kingfisher Blvd.
Westlake, Florida 33470

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Gary Werner, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, March 5, 2024, at 6:00 PM., at The Lodge at Westlake Adventure Park, 5490 Kingfisher Blvd. Members of the public also live streamed the meeting through electronic means and accessed as follows:

1. Webex meeting from a computer, tablet or smartphone at the following link:
<https://cityofwestlake.my.webex.com/>

Meeting ID: 2632 888 9851

Password: hello

2. Participants also dialed in using phone with the following number:

United States Toll: +1-408-418-9388

Meeting ID: 2632 888 9851

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday March 5, 2024, to order at 6:00 PM.

ROLL CALL

Present and constituting a quorum:

Councilwoman Charlotte Leonard (absent)

Councilman Julian Martinez

Councilman Gary Werner

Vice Mayor Greg Langowski

Mayor JohnPaul O'Connor

Also present:

Kenneth Cassel, City Manager

Donald J. Doody, Esq., City Attorney

Zoie Burgess, City Clerk

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for any additions, deletions, or modifications to the agenda.

Mr. Cassel recommended the minutes be pulled from the consent agenda and added to the following City Council meeting to allow for some corrections.

Mayor O'Connor called for a motion to entertain the City Manager's request to remove minutes from the consent agenda.

Motion by Councilman Werner to hold off on minutes for the council meeting of February 6 until the next meeting to allow the City Manager and staff to make additions or deletions, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

Mayor O'Connor called for a motion to approve the agenda as amended.

Motion by Councilman Werner to approve the agenda as amended, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

PUBLIC COMMENTS AND REQUESTS

Mayor O'Connor called for public comments. Ms. Burgess noted a comment card was received from Ms. Alicia Torres.

Public Comment - Alicia Torres - 5847 Whippoorwill Circle - Ms. Torres asked why fishing is not allowed in the lakes and stated the incoming KFC is bright red, which does not follow the aesthetics that Westlake is known to have.

Public Comment - James Kelly - 5551 Starfish Road - Mr. Kelly stated he is interested in heading a tennis program at the Adventure Park Lodge and stated he could provide the tennis nets.

Public Comment - (Name Inaudible) - 1608 Whippoorwill Circle - Ms. (inaudible) asked what the plans were for 60th Street and what has been approved or will be approved and if it will come before the City for approval.

CONSENT AGENDA

- A. Monthly Financial Report - January
- B. Minutes_City Council Regular Meeting - 02.06.2024 DRAFT

Mayor O'Connor identified the consent agenda items and called for a motion to approve.

Motion by Councilman Martinez to approve the Consent Agenda, seconded by Councilman Werner.

UPON ROLL CALL:

Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	YES

With all in favor, motion carried without dissent (4-0).

PRESENTATIONS/PROCLAMATIONS

- A. Proclamation 2024-03 - Let's Move Palm Beach County
- B. Proclamation 2024-05 - Women's History Month
- C. Proclamation 2024-06 - Florida Bicycle Month
- D. Proclamation 2024-07 - Water Conservation Month

Mayor O'Connor identified the Proclamations and read them into record.

PUBLIC HEARING

- A. MPA-2023-04:** The applicant is requesting an amendment to the Master Site Plan for Pod H. The request is limited to Parcel B, to modify the 2,572 square foot Bank with Drive through use to a Fast-Food Restaurant with Drive Through; Parcel C-3, to increase the allocation of Fast Food with Drive Through by 238 square feet to accommodate a minor increase in building area for Taco Bell; and Parcel F, to create three (3) sub-parcels identified on the master plan as Parcels F-1, F-2 and F-3. The subject Plaza is located west of Seminole Pratt Whitney Road on 50.826 acres.

Submitted By: Planning and Zoning

Mayor O'Connor introduced the item and asked for any staff presentations.

Mr. Doody asked to first swear in any witnesses who were to testify.

Mr. Leon, on behalf of the City gave a staff presentation.

Council discussed the item in further detail with the following applicants and staff; Osniel Leon, Kathryn Rossmell, Donaldson Hearing and John Carter. Mr. Carter gave a brief history of the City of Westlake to further educate council on the current matter.

Applicant presentation, presented by Kathryn Rossmell with Lewis, Longman and Wlaker, P.A., on behalf of Minto PBLH, LLC.

Council continued to discuss item.

Mr. Doody asked Mayor O'Connor to call for public comments.

Public Comment - Alicia Torres - 5847 Whipoorwill Circle - Ms. Torres asked what the name of the restaurant is that replaced the bank and she also asked for information on parcel F1.

Public Comment - Mary Ellen Manning - 15780 Cresswind Place - Ms. Manning advised Council to revisit the review of parcels and pods to limit drive-throughs to avoid issues in the long run.

Public Comment – Ted Sarandis - 15780 Cresswind Place - Mr. Sarandis asked Council to delay all amendments from the applicants and developers. Mr. Sarandis stated the City needs a sit-down restaurant and a bank, not more drive-throughs.

Council continued to discuss item and asked if it was possible to table the item.

Mr. Doody stated a motion to table the item does not entertain a discussion, if council wanted to continue to discuss the item, discussions must be made before the motion is made. Mr. Doody also stated if a motion to table the item is made, he asks the item to be tabled for a specific date, to not table indefinitely.

Council continued to discuss item.

Mr. Doody provided a procedural comment, noting that four council members are present, and a two-two vote would be a denial.

Council discussion continued addressing the inconsistencies in the application and possible remedies.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve MPA-2023-04 as a fast casual with a drive-thru not as a bank and to clean up the application, Mayor O'Connor passed the gavel to Vice Mayor Langowski, and seconded the motion.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	NO
Councilman Werner	NO

All not in favor, motion failed, with Councilmembers Martinez and Werner dissenting (2-2).

Councilman Werner called for a motion to table item for the next regular council meeting along with a special study session with the applicant and Minto present to discuss other development related issues that are in the background so everyone has better knowledge of what is possibly coming, the Mayor has his thumb on the pulse and he does not have that opportunity himself unless he learns it from the Mayor on how to do that, and he would like to hear from Minto and the developer prior to the first Tuesday in April.

Mr. Doody stated Councilman Werner must simplify the motion to table the item and if he wishes to call a workshop that would be a separate item.

Councilman Werner called for a motion to table the item to the first meeting in April, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (4-0).

Mr. Doody called Ms. Kathryn Rossmell, on behalf of the applicant, to the podium and asked, if by the action of City Council, she is willing to agree to tabling the next two items, not to be prejudice but is advising, as counsel, since the Master Plan amendment was not approved, they cannot approve the site plan.

Ms. Rossmell asked for clarification, noting procedurally the item was not approved and is now being moved to being tabled and asked to verify that the item is not denied, only tabled. Ms. Rossmell requested a three-minute recess.

Mayor O'Connor recessed the meeting at 7:37 PM.

Mayor O'Connor reconvened the meeting at 7:44 PM.

Ms. Rossmell requested reconsideration of the table and motion, noting for the record, that the application before Council is completely within the requirement of the Code and within staff approval and Council can waive the typo on the one page of the application. Ms. Rossmell further noted that a denial be preferred to allow an avenue forward for a lawsuit. Ms. Rossmell respectfully asked for the item to be removed from the table and reconsider the application.

Mr. Jacob Gerb, on behalf of the applicant DKC Westlake Landings, LLC (431 Fairway Drive, Deerfield Beach, FL). Mr. Gerb requested reconsideration of the motion.

Council continued discussion of item with applicant.

Motion by Vice Mayor Langowski to reconsider MPA-2023-04, Mayor O'Connor passed the gavel to Vice Mayor Langowski, and seconded the motion.

UPON ROLL CALL:

Councilman Martinez	NO
Councilman Werner	NO
Vice Mayor Langowski	YES
Mayor O'Connor	YES

All not in favor, motion failed, with Councilmembers Martinez and Werner dissenting (2-2).

Ms. Rossmell withdrew the additional applications on the agenda.

Motion by Vice Mayor Langowski to table the item to the April 2nd meeting along with MPA-2023-04, SPM-2023-14 and SPM-2023-15, seconded by Councilman Martinez.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

- B. SPM-2023-14:** The applicant is requesting a Site Plan Modification of Parcel B within Shoppes of Westlake Landings commercial plaza in Pod H. The proposed amendment is limited to the North Building to replace a previously approved 2,572 square feet Bank with drive through on the south end of the north building with a 2,572 square feet Fast Food Restaurant use with drive through including a 400 square foot outdoor seating area. There are no proposed changes to the overall total of 16,515 Square Feet for the two (2) buildings. The subject site is located at 4951 Seminole Pratt Whitney Road, Westlake, Florida, 33470.

Submitted By: Planning and Zoning

Item tabled for April 2, 2024, meeting.

- C. SPM-2023-15:** The applicant is requesting Site Plan Modification approval for a proposed fast food restaurant with drive through located in Parcel C (Taco Bell). The subject application proposes to increase building area by 238 square feet; removal of outdoor seating area; removal of second drive through lane; and modifications to building elevations and colors. The subject building is one of three on a 3.68 acres site at Parcel C within Shoppes of Westlake Landings commercial plaza in Pod H. The subject site is located at 4751 Seminole Pratt Whitney Road.

Submitted By: Planning and Zoning

Item tabled for April 2, 2024, meeting.

- D. A Resolution for the Plat of Pod PC-3**

Submitted By: Engineering

RESOLUTION 2024-04

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, A REPLAT OF A PORTION OF OPEN SPACE TRACT #2, PERSIMMON BOULEVARD EAST - PLAT 2, PLAT BOOK 128, PAGES 16 THROUGH 19, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LYING IN PORTIONS OF SECTIONS 1 AND 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, AND SECTIONS 6 AND 7 TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read item by title only into the record and swore in all witnesses who would be providing testimony.

Applicant presentation by Donaldson Hearing on behalf of Minto PBLH, LLC.

Staff presentation by Suzanne Dombrowski, on behalf of the City.

Council discussed item further.

Mayor O'Connor opened for public hearing, there being no public comments, the public hearing was closed.

Mr. Cassel noted the item was approved by the Seminole Improvement District the day before at their meeting.

Mayor O'Connor called for a motion.

Motion by Councilman Werner to approve Plat 2 of Plat Book 128 pages 16 through 19 inclusive of public records of Palm Beach County, Florida as recommended by staff, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	YES

With all in favor, motion carried without dissent (4-0).

NEW BUSINESS

- A. Education Advisory Board Consideration and Appointment of Members

Submitted By: City Clerk

RESOLUTION 2024-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING TWO (2) MEMBERS AND ONE (1) ALTERNATE MEMBER TO SERVE ON THE EDUCATION ADVISORY BOARD; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Council discussed item in further detail.

Motion by Vice Mayor Langowski to approve Colleen Forlizzi and Keith Miller as regular members and Harris Gropper as the Alternate Member of the board, encouraging the alternate member to attend meetings even though he will not have a vote unless someone is absent during the meeting, seconded by Councilman Werner.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilman Martinez	YES
Councilman Werner	YES

With all in favor, motion carried without dissent (4-0).

Mr. Doody read the item, by title only, into the record.

Motion by Vice Mayor Langowski to approve the Resolution, seconded by Councilman Werner.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (4-0).

- B. Amending Ordinance 2023-09 Reconstituting the Education Advisory Board

Submitted By: Administration

ORDINANCE 2024-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING ORDINANCE 2023-09 REGARDING THE CITY'S EDUCATION ADVISORY BOARD BY SPECIFICALLY AMENDING SECTION 3 (2) ENTITLED "COMPOSITION; APPOINTMENTS; TERM; AND VACANCY" FOR THE PURPOSES OF CLARIFYING THE ROLE OF THE CITY COUNCILMEMBER SERVING AS A LIAISON TO THE EDUCATION ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced the item.

Mr. Doody read the item, by title only, into the record and discussed the item in further detail.

Mayor O'Connor called for council comments.

Motion by Councilman Werner to approve Ordinance 2024-01, as recommended by staff, seconded by Vice Mayor Langowski.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard – Absent.
- B. Councilman Julian Martinez – Discussed the upcoming City of Westlake 5k.
- C. Councilman Gary Werner – Suggested to council to conduct a special meeting with Minto and any other developers to learn of current updates and issues relative to Westlake's future. Councilman Werner also asked staff to review if Kolter's Billboard Sign along Town Center Parkway is in the public right of way.
- D. Vice Mayor Greg Langowski – Vice Mayor Langowski asked if Seminole Improvement District and the City of Westlake could have another workshop to discuss the parks and get resident input.
- E. Mayor JohnPaul O'Connor – Mayor O'Connor thanked the public for their attendance.

Mayor O'Connor adjourned the meeting at 8:20 PM.

Motion by Vice Mayor Langowski to readjourn the meeting, seconded by Councilman Werner.

UPON ROLL CALL:

Councilman Martinez	YES
Councilman Werner	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

Mayor O'Connor reinstated the meeting at 8:28 PM.

REPORT – STAFF

District Chief, Amanda Vomero discussed the Palm Beach County Fire Rescue monthly response times report for the City of Westlake.

Public Comment – Jackie Campbell – 15938 Key Biscayne Lane – Ms. Campbell asked if the Palm Beach County Fire Department would be able to host a shredding event.

Ms. Vomero stated Palm Beach County Fire, works with Palm Beach County Sheriff's Office and host pill drop events and stated they can provide those services in the City of Westlake if requested.

Lieutenant Darla Sowers discussed the Palm Beach Sheriff's Office monthly report for the City of Westlake.

Public Comment – Anita Kaplan – 5459 Santa Rosa Lane – Ms. Kaplan discussed the scholarships that are being offered to two students at Seminole Ridge High School from the Women's Club at Cresswind and encouraged interested parties to apply.

Public Comment – Ted Serandis - 15780 Cresswind Place – Mr. Serandis asked Council to delete the monthly financial reports on the consent agenda and asked for it to be published on the website and make it public. Mr. Serandis also asked for the meeting room to be expanded and more agendas be distributed for the council meetings.

Public Comment – Jackie Campbel – 15938 Key Biscayne Lane – Ms. Campbell asked for shopping stores to be brought to the City, such as a HomeGoods, Ross or Marshalls.

Public Comment - Alicia Torres – 5847 Whippoorwill Circle – Ms. Torres expressed her disappointment with the denial of the Plats.

Mayor O'Connor announced Chase Bank has signed the lease in the plaza with Winn Dixie.

REPORT - CITY ATTORNEY

No additional comments.

REPORT - CITY MANAGER

Mr. Cassel stated Solid Waste Authority is currently working on their facilities which is causing delivery backups and pickups and is therefore affecting their regular scheduled pickup times and days.

PUBLIC COMMENTS AND REQUESTS

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 8:36 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor

Note: These summary minutes are prepared in compliance with 286.011 F.S. and are not verbatim transcripts of the meeting. A verbatim audio record is available from the office of the City Clerk. All referenced attachments are on file in the City Clerk's office.